

CHAPTER 4: WILD ANIMAL ISSUES

The Massachusetts Department of Fisheries, Wildlife, and Environmental Law Enforcement (MDFWELE), has exclusive authority over wildlife in the state (MGL c.131, s.4 and s.5). MDFWELE has two divisions that are involved in rabies control: The Division of Fisheries and Wildlife (DFW), and the Division of Law Enforcement (DLE) (Environmental Police). The Department has developed systems to address rabies issues at various levels of government.

The goals of MDFWELE regarding rabies are:

- to protect the public from situations where wildlife presents a real threat to public safety by responding effectively to incidents involving wild animals that might have infected a human or a domestic animal;
- to reduce the spread of rabies from and between wildlife and humans;
- to monitor the occurrence, progression, and advancement of this wildlife disease in the Northeast; and
- to eliminate the indiscriminate destruction of a state resource by the killing of healthy wild animals based on the general occurrence of rabies.

The Division of Fisheries and Wildlife has developed response systems and regulations to meet the following objectives to reduce the spread of rabies from and between wildlife:

- to increase public awareness through education;
- to eliminate the importation of wild animals that are high risk rabies carriers into the state;
- to prohibit the relocation of wild animals within the state;
- to prohibit the possession of wild animals as pets;
- to regulate raccoon populations through the harvest of animals by licensed hunters and trappers, which will lower raccoon densities in local areas;
- to discourage the rental or loaning of live traps to homeowners; and
- to respond effectively to sick or aggressive wild animals that pose a high risk to public safety.

A. Action of City / Town Law Enforcement

The Division of Fisheries and Wildlife allows any state or municipal police officer to immediately kill raccoons, bats, skunks, foxes, or woodchucks that are displaying behavior that causes such officer to reasonably conclude that such animal is rabid. (Police Officers should be reminded that if the animal is to be tested for rabies, the brain must be kept intact.) The intent of this is to allow the abovementioned officials to kill wild animals under certain specific circumstances, not to place the responsibility with them. Police officers have no local authority to help landowners with raccoons or other wild animals that are causing property damage.

NOTE, HOWEVER: Nocturnal animals, like raccoons, may be active during the daytime and may not be ill. Wildlife seen during daylight should not be randomly destroyed under the suspicion of rabies. Police officers and other officials mentioned above do not have any legal ability to destroy any wild animal other than described above.

B. Action of Animal Control Officials (Dog Officers, Animal Control Inspectors, Animal Control Officers)

The Division of Fisheries and Wildlife will allow canine or Animal Control Officers, or any municipal staff member operating in an official capacity, or a designated individual formally appointed in writing by a community's board of health, to immediately kill bats, raccoons, skunks, foxes, or woodchucks that display behavior that causes such officer to reasonably conclude that such animals are rabid. The intent of this policy is to allow animal control officials to kill wild animals under certain specific circumstances, but not to assign to them this responsibility.

Dog officers or Animal Control Officers can only assist landowners incurring property damage if they (municipal employees) are authorized by permit from the Division to do so, pursuant to 321 CMR 2.14. The Division of Fisheries and Wildlife will allow canine or Animal Control Officers or an employee of the highway department as appointed by the Local Board of Health, to remove automobile killed wildlife from roads and highways for testing or for sanitary disposal to eliminate a road hazard.

C. Local Health Department or Board of Health Issues

Since local resources vary, the local director of health should meet with appropriate local officials (selectmen, police department, Animal Inspector, dog officer, Animal Control Officer) and identify individuals who will respond to complaints of potentially rabid wild animals.

D. Action of Division of Fisheries and Wildlife (DFW)

DFW personnel will provide technical advice and information to the general public regarding wildlife problems or general wildlife questions. Telephone assistance is available from DFW regional offices during business hours, Monday through Friday, at the following telephone numbers:

- Pittsfield 413-447-9789
- Belchertown 413-323-7632
- West Boylston 508-835-3607
- Acton 508-263-4347
- Bourne 508-759-3406
- Westboro 508-792-7270
- Boston 617-626-1591

DFW wildlife personnel will provide emergency assistance with exposure cases or in situations involving sick wild animals that represent an immediate risk of exposure to humans. However, due to limitations of personnel and the resulting difficulty of providing timely assistance, requests from the public to DFW will routinely be first referred to local officials.

DFW has substantial public information available to towns and school systems which includes:

- A rabies leaflet for the general public entitled *Wildlife Rabies in Massachusetts: What You Should Know*;
- A pamphlet entitled *Rabies and Wildlife: Information for Sportsmen, Woodsmen, and Fur Harvesters*;
- A handbill regarding state law prohibiting relocation of wildlife;
- A handbill on orphaned wildlife;
- An article which explains many aspects of rabies to the public; and
- A slide show for the general public regarding rabies and wildlife.

All of this information is currently available at each of the district offices listed above. In addition, some of these items are also available at the DFW web site www.masswildlife.org.

E. Action of Problem Animal Control (PAC) Agents

Removal of problem wildlife (wildlife causing property damage) is the responsibility of the homeowner. However, if a homeowner does not have the knowledge, expertise, or ability to resolve their problem, they can engage the services of a Problem Animal Control (PAC) agent. PAC agents are private individuals (or specifically authorized municipal employees) who are licensed by the Division of Fisheries and Wildlife to assist the public in situations dealing with property damage caused by certain species of wildlife, pursuant to (321 CMR 2.14).

Homeowners requesting the services of a PAC Agent should be informed that PAC agents are not state employees and they charge a fee for their services. In addition, they must be informed that relocation of wildlife in Massachusetts is prohibited by state law. Problem animals can be released on the same property or destroyed in accordance with state wildlife laws. These same restrictions apply to homeowners trapping any wild animal causing damage of their property. A listing of PAC agents is available from DFW Boston office (617-626-1591) or at the DFW web site at www.masswildlife.org. Since licensed agents change from year to year, be sure to check the current updated listing of PAC personnel.

Wildlife species covered: raccoon, striped skunk, muskrat, long tail and short tail weasel, red and gray fox, opossum, porcupine, rats, mice, moles, voles, gray squirrel, red squirrel, chipmunk, European rabbit, cottontail rabbit, snapping turtles, pigeon, house sparrow, starling, bats. (However, certain rare species of bats and voles are not covered under licensing authorization.)

PAC Agents are not permitted to handle sick wildlife, nor wildlife not covered under their permit. Injured wildlife can be taken to a DFW licensed wildlife rehabilitator.

F. Action of Wildlife Rehabilitators

The services of a licensed wildlife rehabilitator are available for placement of a sick, injured, or orphaned wild animal. A list of DFW licensed wildlife rehabilitators can be obtained by calling the DFW Boston office at 617-626-1591 or by accessing the DFW web site at www.masswildlife.org. In general, the best advice is to leave these animals alone and to let nature take its course. NOTE: Many wildlife rehabilitators have stopped accepting raccoons because of the rabies epizootic. Other rehabilitators reach a limit regarding the number of animals they can accommodate at their facilities.

G. Division of Law Enforcement

The Massachusetts Environmental Police of the Department of Fisheries, Wildlife and Environmental Law Enforcement will continue to respond to requests for assistance in any case involving wildlife issues, particularly where there is a clear and immediate danger to the public's safety.

In the case of suspect rabid animals, however, the policy of the Division of Law Enforcement (DFE) has been to ask local officials to take the immediate steps necessary before DFE will become involved. This is necessitated by the current statewide deployment of field officers, who must each cover an area of 180 square miles. In many instances, this precludes an immediate response for assistance.

As much as possible, environmental police will provide assistance to any community that requests it. The communications room 1-800-632-8075 is available 24 hours a day (hours may be reduced during winter months), for calls for assistance or advice and can provide transportation or coordination for the delivery of specimens to the MDPH State Laboratory Institute.

H. Disposal of Carcasses

Carcasses of rabid or suspect rabid animals should either be incinerated in facilities approved for that purpose or buried at a depth sufficient to prevent access by other animals, at least three feet.